

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

SAUNDRA KAYE MORRISON,
Plaintiff,

v.

CIVIL ACTION NO. 3:16-3813

HOBBY LOBBY STORES, INC.
SCHOTTERNSTEIN PROPERTY GROUP, LLC
and SSC BARBOURSVILLE, LLC,
Defendants and
Third-Party Plaintiffs,

PAVEMENT MAINTENANCE CONTRACTORS, INC.,
Third-Party Defendant.

AGREED PROTECTIVE ORDER

This day came Plaintiff Saundra Kaye Morrison, Defendants/Third-Party Plaintiffs Hobby Lobby Stores, Inc., Schottenstein Property Group, LLC, and SSC Barboursville, LLC, and Third-Party Defendant Pavement Maintenance Contractors, Inc. by and through their counsel, and having agreed to the terms of this Protective Order to govern any documents produced in this Civil Action and having advised the Court of the premises for this Order, accordingly, the Court **FINDS** that good cause exists under Rule 26 of the Federal Civil Rules for the entry of this Protective Order.

It is hereby **ORDERED, AGREED, AND ADJUDGED** as follows:

1. Documents or information produced by any party to this matter that include confidential financial information, trade secrets, commercial or proprietary information, competitively sensitive information, and/or business planning and strategy information shall be considered confidential material without additional designation being required.
2. Any document that any party claims to be confidential as either financial information, trade secret, commercial or proprietary information, competitively sensitive information, and/or business planning and strategy information shall be so marked as "**CONFIDENTIAL**."

3. Any information that is designated as "**CONFIDENTIAL**" under the terms of this Order shall not be released in any fashion by any party to this litigation to any person or entity not a party to this case or associated with this Court or the office of the Clerk of this Court. Furthermore, any information that is confidential under the terms of this Order shall not be used by any party to this litigation for any purpose outside of pursuing or defending this litigation. Counsel for the named parties may only disclose confidential information to the named parties (and their officers, directors and board of directors), expert witnesses, and insurance carriers, who shall also agree to the terms of this Protective Order.
4. Nothing in this Order shall prohibit counsel from disclosing information designated as "**CONFIDENTIAL**" or the contents thereof, at any discovery deposition taken in this action. Any document designated as "**CONFIDENTIAL**" used during the course of any deposition and attached thereto as an Exhibit shall be filed under Seal.
5. If information designated as "**CONFIDENTIAL**" is to be used at trial, counsel intending to use the information shall so advise opposing counsel so that the matter can be resolved or addressed to the Court.
6. At the conclusion of this matter, all confidential information, including all copies of materials containing the substance thereof, shall be destroyed or returned to the party producing such information. If the confidential information is destroyed, the party destroying the information shall provide a Certificate of Destruction to the disclosing party.
7. Nothing in this Agreed Protective Order is intended as a waiver of other objections the parties may have to the disclosure of information covered herein.
8. If a party or an attorney for a party disputes whether a document or other material should be marked "**CONFIDENTIAL**," the parties and/or attorneys shall attempt to resolve the dispute between themselves prior to any court intervention. If they are unsuccessful, the party or attorney challenging the "**CONFIDENTIAL**" designation shall do so by filing an appropriate motion with the Court. Prior to any ruling by the Court, the document shall be treated as confidential by the parties.

IT IS SO ORDERED.

Entered this 17th day of July, 2017.



ROBERT C. CHAMBERS, CHIEF JUDGE

JOINTLY STIPULATED AND AGREED TO BY:

/s/ Ellen M. Jones

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